

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In Re:

Case No. 22-30154
Chapter 13

Laurita Huff Ploughman
SSN: xxx-xx-7607

Debtor.

Motion to Amend Chapter 13 Official Form 106C Exemption Elections

NOW COMES the above debtor, Laurita Huff Ploughman, who show unto the Court as follows:

1. On April 1, 2022, the debtor filed for relief under Chapter 13 of the United States Bankruptcy Code.
2. At the time of filing, the debtor claimed \$14,968.36 for her homestead exemption as exempt pursuant to NCGS 1C-1601(a)(1).
3. Subsequently, the market value of the residence was found to be higher and debtor now proposes to amend her homestead exemption election pursuant to NCGS 1C-1601(a)(1) and her wild card exemption pursuant to NCGS 1C-1601(a)(2).
4. The debtor also proposes to exempt her First Citizens checking account which was inadvertently omitted in the amount of \$270.77 under NCGS 1-362.
5. The debtor further proposes to amend her back alimony exemption to an amount reasonable and necessary pursuant to NCGS 1C-1601(a)(12).
6. A proposed amended Official Form 106C is attached hereto as Exhibit A and will be entered after the order is entered approving the motion to amend exemption elections.
7. Pursuant to Federal Rule of Bankruptcy Procedure 1009(a), a schedule may be amended by the debtor as a matter of course at any time before the case is closed. The debtor proposes this amendment under good faith, absent concealment of property or prejudice to creditors.

WHEREFORE, the debtor prays that the Court:

1. Grants her to amend her homestead, wildcard, and alimony exemption.
2. That the debtor has such other and further relief as to the Court may deem just and proper.

Date: December 1, 2022



Marcus D. Crow, Attorney for Debtor
NC Bar No.: 27774
315-B N. Main Street, Monroe, NC 28112
Telephone: (704) 283-1175

"Exhibit A"

Fill in this information to identify your case:

Debtor 1	<u>Laurita</u>	<u>Huff</u>	<u>Ploughman</u>
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	<u>WESTERN DIST. OF NORTH CAROLINA</u>		
Case number (if known)	<u>22-30154</u>		

☒ Check if this is an amended filing

Official Form 106C

Schedule C: The Property You Claim as Exempt

04/22

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions--such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds--may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? *Check one only, even if your spouse is filing with you.*

- ☒ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
☐ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own Copy the value from <i>Schedule A/B</i>	Amount of the exemption you claim Check only one box for each exemption	Specific laws that allow exemption
Brief description: 5416 WB Wilkerson Drive, Indian Trail, NC 28079 House and lot known as 5416 WB Wilkerson Drive, Indian Trail, NC 28079 owned by debtor in fee simple. Market value is \$348,000.00. Parcel: 07093372 (1st exemption claimed for this asset) Line from <i>Schedule A/B</i> : <u>1.1</u>	<u>\$348,000.00</u>	<input checked="" type="checkbox"/> <u>\$30,000.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	N.C. Gen. Stat. § 1C-1601(a)(1)

3. Are you claiming a homestead exemption of more than \$189,050?

(Subject to adjustment on 4/01/25 and every 3 years after that for cases filed on or after the date of adjustment.)

- ☒ No
☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?
☐ No
☐ Yes

Debtor 1 Laurita Huff Ploughman

Case number (if known) 22-30154

Part 2: Additional Page

Brief description of the property and line on *Schedule A/B* that lists this property

Current value of the portion you own

Amount of the exemption you claim

Specific laws that allow exemption

Copy the value from *Schedule A/B*

Check only one box for each exemption

Brief description:

5416 WB Wilkerson Drive, Indian Trail, NC 28079

House and lot known as 5416 WB Wilkerson Drive, Indian Trail, NC 28079 owned by debtor in fee simple. Market value is \$348,000.00.

Parcel: 07093372

(2nd exemption claimed for this asset)

Line from *Schedule A/B*: 1.1

\$348,000.00



\$1,233.00



100% of fair market value, up to any applicable statutory limit

N.C. Gen. Stat. § 1C-1601(a)(2)

Brief description:

2017 Mini Cooper Wagon 4D Clubman (AWD) (approx. 42,000 miles)

2017 Mini Cooper Wagon 4D Clubman (AWD), leather, power seat, over 42,000 miles. VIN# VMWLU1C54H2C41865.

Market value is based on NADA clean retail value of \$21,925.00.

(1st exemption claimed for this asset)

Line from *Schedule A/B*: 3.1

\$21,925.00



\$3,500.00



100% of fair market value, up to any applicable statutory limit

N.C. Gen. Stat. § 1C-1601(a)(3)

Brief description:

2017 Mini Cooper Wagon 4D Clubman (AWD) (approx. 42,000 miles)

2017 Mini Cooper Wagon 4D Clubman (AWD), leather, power seat, over 42,000 miles. VIN# VMWLU1C54H2C41865.

Market value is based on NADA clean retail value of \$21,925.00.

(2nd exemption claimed for this asset)

Line from *Schedule A/B*: 3.1

\$21,925.00



\$3,267.00



100% of fair market value, up to any applicable statutory limit

N.C. Gen. Stat. § 1C-1601(a)(2)

Brief description:

2002 Lexus GS300 Sedan 4D (approx. 126,000 miles)

2002 Lexus GS300 Sedan 4D, over 126,000 miles. VIN# JT8BD695720153142. Not running and sitting for over 4 years.

Vehicle has electrical issues, needs new brakes, and issues from sitting for 4 years. Repairs will cost over \$2,000.00.

Market value is based on debtor's self appraisal of \$500.00.

Line from *Schedule A/B*: 3.2

\$500.00



\$500.00



100% of fair market value, up to any applicable statutory limit

N.C. Gen. Stat. § 1C-1601(a)(2)

Debtor 1 Laurita Huff Ploughman

Case number (if known) 22-30154

Part 2: Additional Page

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own Copy the value from Schedule A/B	Amount of the exemption you claim Check only one box for each exemption	Specific laws that allow exemption
Brief description: Refrigerator, stove, microwave, dishwasher, washer and dryer, table and chairs (\$1,000.00), dining room suite (\$200.00), 2 bedroom suites (\$300.00), piano (\$300.00), riding lawnmower (\$300.00) Line from Schedule A/B: <u>6</u>	<u>\$2,100.00</u>	<input checked="" type="checkbox"/> <u>\$2,100.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	N.C. Gen. Stat. § 1C-1601(a)(4)
Brief description: 2 televisions, laptop, tablet, cell phone (\$400.00) Line from Schedule A/B: <u>7</u>	<u>\$400.00</u>	<input checked="" type="checkbox"/> <u>\$400.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	N.C. Gen. Stat. § 1C-1601(a)(4)
Brief description: Clothes (\$300.00) Line from Schedule A/B: <u>11</u>	<u>\$300.00</u>	<input checked="" type="checkbox"/> <u>\$300.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	N.C. Gen. Stat. § 1C-1601(a)(4)
Brief description: Costume jewelry (\$300.00) Line from Schedule A/B: <u>12</u>	<u>\$300.00</u>	<input checked="" type="checkbox"/> <u>\$300.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	N.C. Gen. Stat. § 1C-1601(a)(4)
Brief description: Checking account at Capital One Bank (Acct# 1598) with \$2,641.00 Line from Schedule A/B: <u>17.1</u>	<u>\$2,641.00</u>	<input checked="" type="checkbox"/> <u>\$2,641.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	N.C. Gen. Stat. § 1-362
Brief description: Checking account at First Citizens Bank (Acct# 1323) with \$270.77. Line from Schedule A/B: <u>17.2</u>	<u>\$270.77</u>	<input checked="" type="checkbox"/> <u>\$270.77</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	N.C. Gen. Stat. § 1-362
Brief description: Debtor has a 401(k) through her employment with Vision Service Plan with \$400.00. Line from Schedule A/B: <u>21</u>	<u>\$400.00</u>	<input checked="" type="checkbox"/> <u>\$400.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Patterson v. Shumate

Debtor 1 Laurita Huff Ploughman

Case number (if known) 22-30154

Part 2: Additional Page

Brief description of the property and line on *Schedule A/B* that lists this property

Current value of the portion you own

Amount of the exemption you claim

Specific laws that allow exemption

Copy the value from *Schedule A/B* *Check only one box for each exemption*

Brief description:

Debtor is owed back alimony in the amount of \$168,000.00. Debtor has not been able to collect any alimony since ex-husband lives in Nevada. Debtor has contacted attorneys in Nevada to collect this back alimony and there are no attorneys who are willing to take on this case on a contingency basis. Debtor's counsel has also inquired into the possibility of selling the debt and contacted John Palumbo from www.chapter7assets.com, who has concluded that the asset is "high risk and hard work" with 90% or higher chance of \$0.00 recovery and he would offer no more than \$1,000.00 for this asset. Debtor will immediately notify all parties of interest if claim ever becomes collectible so that a determination can be made of what amount is reasonable and necessary.

Line from *Schedule A/B*: 30

\$1,000.00



\$1,000.00

N.C. Gen. Stat. § 1C-1601(a)(12)



100% of fair market value, up to any applicable statutory limit

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In Re:

Case No. 22-30154
Chapter 13

Laurita Huff Ploughman
SSN: xxx-xx-7607

Debtor.

**NOTICE OF MOTION TO AMEND EXEMPTION ELECTIONS
and NOTICE FOR OPPORTUNITY FOR HEARING**
(No Protest Notice: Response required if opposed and hearing sought)

TAKE NOTICE that the debtor, Laurita Huff Ploughman, has filed a Motion to Amend her Exemption Elections. A copy of the motion is included with this Notice.

Your rights may be affected. You should read these documents carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested in the document, or if you want the Court to consider your views on the motion and application, then on or before **fourteen (14) days from the date of this notice**, you or your attorney must do three (3) things:

1. **File with the Court a written response which explains your position. File the response at:**

Office of the Clerk for the United States Bankruptcy Court
401 West Trade Street
Charlotte, NC 28202

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before **fourteen (14) days** from the date of this notice.

2. **On or before the deadline stated above for written responses, you must also mail a copy of your written response to:**

Marcus D. Crow
315-B North Main Street
Monroe, N.C. 28112

Jenny P. Holman, Trustee
5970 Fairview Road, Ste. 650
Charlotte, NC 28210

3. Attend the hearing scheduled for January 10, 2023 at 2:00 p.m. in LTB Courtroom 2A, United States Bankruptcy Court, 401 West Trade Street, Charlotte, North Carolina.

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD**, and the Court may decide that you do not oppose the relief sought in the motion and application and may enter an order granting the relief.

Date: December 1, 2022


/s/ Marcus D. Crow

Marcus D. Crow
Attorney for Debtor
315-B North Main Street
Monroe, N.C. 28112
Telephone: (704) 283-1175
N.C. State Bar No.: 27774

Certificate Of Service

This certifies that the foregoing and attached motion were served upon each of those persons shown below by depositing copies thereof in the United States Mail, First Class, postage prepaid, addressed to each of those persons at the address indicated for each on December 1, 2022.

Bankruptcy Administrator
(via electronic court service)

Jenny P. Holman, Trustee
Chapter 13 Trustee
(via electronic court service)

Laurita Ploughman
(via email service)

ALL INTERESTED PARTIES ON
ATTACHED COURT MATRIX


/s/ Marcus D. Crow

Marcus D. Crow, Attorney for Debtor

NC Dept. of Revenue
Bankruptcy Unit, Dept of Revenue
PO Box 1168
Raleigh, NC 27602-1168

North Carolina Department of Revenue
Bankruptcy Unit
P.O. Box 1168
Raleigh, NC 27602-1168

Overstock/Comenity Capital Bank
Bankruptcy Department
PO Box 183043
Columbus, OH 43218-3043

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

PayPal/Synchrony Bank
Attn: Bankruptcy Dept
P.O. Box 965064
Orlando, FL 32896-5064

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk VA 23541-1021

TJX Rewards/Synchrony Bank
Bankruptcy Department
PO Box 965060
Orlando, FL 32896-5060

Tryon Medical Partners, LLC
5950 Fairview Rd
Charlotte, NC, 28210-3104

Tryon Medical Partners, PLLC
PO Box 14099
Belfast, ME 04915-4034

(p)US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ATTN ROBERT ZAYAC
40 MARIETTA ST SUITE 300
ATLANTA GA 30303-2812

Union County Tax Collector
P. O. Box 38
Monroe, NC 28111-0038

Wal-Mart/Capital One
Bankruptcy Department
PO Box 30281
Salt Lake City, UT 84130-0281

c/o James H. Henderson
2030 South Tryon Street, STE 3H
Charlotte, NC 28203-5290

Jenny P. Holman
Office of the Chapter 13 Trustee
5970 Fairview Rd
Suite 650
Charlotte, NC 28210-2100

Laurita Huff-Ploughman
5416 WB Wilkerson Road
Indian Trail, NC 28079-3200
(via email service)

Marcus D Crow
The Crow Law Firm
315-B North Main Street
Monroe, NC 28112-4727

Mark Metzger
c/o James H. Henderson
2030 South Tryon Street
STE 3H
Charlotte, NC 28203-4956

Matthew H. Crow
The Crow Law Firm
315-B North Main Street
Monroe, NC 28112-4727

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Jefferson Capital Systems LLC
Po. Box 7999
Saint Cloud MN 56302-9617

Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

(d)Portfolio Recovery Associates, LLC
POB 41067
Norfolk, VA 23541

U.S. Department of Housing and Urban Development
40 Marietta Street
Atlanta, GA 30303

(d)US Housing & Urban Development
451 Seventh Street SW
Washington, DC 20410

Label Matrix for local noticing
0419-3
Case 22-30154
Western District of North Carolina
Charlotte
Thu Dec 1 15:04:02 EST 2022
Ally Automotive Financing
Bankruptcy Department
PO Box 380901
Bloomington, MN 55438-0901

Charlotte Division
401 West Trade Street
Charlotte, NC 28202-1633

Affirm, Inc.
650 California Street, Floor 12
San Francisco, CA 94108-2716

Amazon Card/Synchrony Bank
Bankruptcy Department
PO Box 965060
Orlando, FL 32896-5060

American Express
P.O. Box 981535
El Paso, TX 79998-1535

American Express National Bank
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

Atrium Healthcare System
Attn: Bankruptcy Accounts
PO Box 71108
Charlotte, NC 28272-1108

Atrium Healthcare System
P.O. Box 32861
Charlotte, NC 28232-2861

Belk/Synchrony Bank
Attn: Bankruptcy Dept.
P.O. Box 965060
Orlando, FL 32896-5060

Best Buy / CBNA
PO Box 6497
Sioux Falls, SD 57117-6497

Best Buy / Capital One
PO Box 30285
Salt Lake City, UT 84130-0285

Capital One
PO Box 30285
Salt Lake City, UT 84130-0285

Capital One Bank (USA), N.A.
4515 N Santa Fe Ave
Oklahoma City, OK 73118-7901

Home Depot Credit Services
PO Box 790328
Saint Louis, MO 63179-0328

Home Depot/CBSD
PO Box 6497
Sioux Falls, SD 57117-6497

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Internal Revenue Service
P.O. Box 7317
Philadelphia, PA 19101-7317

James H. Henderson
2030 South Tryon Street, STE 3H
Charlotte, NC 28203-5290

(p)JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
SAINT CLOUD MN 56302-7999

Klarma, Inc.
629 N. High Street, Suite 300
Columbus, OH 43215-2929

LAKEVIEW LOAN SERVICING, LLC
c/o James Page
Bell Carrington Price & Gregg, LLC
339 Heyward Street, 2nd Floor
Columbia, SC 29201-4391

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Lending Club Corp.
595 Market Street, Suite 200
San Francisco, CA 94105-2802

LendingClub Bank, NA
P.O. BOX 884268
Los Angeles, CA 90088-4268

Loancare, LLC
3637 Sentara Way, Suite 303
Virginia Beach, VA 23452-4262

Lowes/Synchrony Bank
Attn: Bankruptcy Department
PO Box 965060
Orlando, FL 32896-5060

Mark and Lisa Metzger
d/b/a Metzger Properties of Carolinas
c/o James W. Surane, PLLC
20460-3 Chartwell Center Drive
Cornelius, NC 28031-5254